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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13
14 UNITED STATES OF AMERICA,) No. CR 07-00598 JF
15 Plaintiff,) STIPULATION AND [PROPOSED]
16 v.) ORDER EXCLUDING TIME FROM
17 EVERARDO VALENZUELA-RUIZ,) OCTOBER 10, 2007 TO OCTOBER 24,
18 Defendant.) CALCULATION (18 U.S.C. §
3161(h)(8)(A))
19 _____)

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21 The parties stipulate that the time between October 10, 2007 and October 24, 2007 is
22 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the
23 requested continuance would unreasonably deny defense counsel reasonable time necessary for
24 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree
25 that the ends of justice served by granting the requested continuance outweigh the best interest of
26 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. §3161(h)(8)(A).

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3 DATED: October 10, 2007

SCOTT N. SCHOOLS
United States Attorney

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5 /s/
6 BENJAMIN T. KENNEDY
7 Assistant United States Attorney

8 /s/
9 JAY RORTY
10 Assistant Federal Public Defender

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ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between October 10, 2007 and October 24, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: 10/11/07

JEREMY FOGEI
UNITED STATES DISTRICT JUDGE